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5 UNITED STATES DISTRICT COURT  
6 DISTRICT OF NEVADA

7 UNITED STATES OF AMERICA,

8 Plaintiff,

9 v.

10 DAVID JERRY PAULE,

11 Defendant.

NO: 2:18-CR-227-RMP-JTR

AMENDED ORDER SETTING  
SENTENCING SCHEDULE

12  
13 BEFORE THE COURT is a Stipulation to Continue Sentencing Hearing, ECF  
14 No. 57. Having reviewed the stipulation, the Court finds that good cause exists to  
15 continue this matter as requested.

16 Accordingly, **IT IS HEREBY ORDERED:**

17 1. The current sentencing date of December 9, 2019, is **STRICKEN** and  
18 **RESET** to **February 24, 2020**, at **1:00 p.m.** in **Las Vegas**, Nevada. Absent truly  
19 exigent circumstances, the Court will not consider a request for a continuance of  
20 sentencing unless: (1) the request is made by written motion, (2) the requesting party  
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1 recites the opposing party's position, and (3) the motion and supporting declaration  
2 are filed at least ten days before the scheduled sentencing hearing.

3 2. Defendant shall remain in custody of the U.S. Marshals pending  
4 sentencing pursuant to the detention order previously entered in this matter. *See*  
5 ECF No. 25.

6 3. The United States Probation Office, Eastern District of Washington, shall  
7 prepare a Presentence Report. Fed. R. Crim. P. 32(c). On or before **January 13,**  
8 **2020**, the probation officer shall provide a preliminary copy of the draft Presentence  
9 Report to counsel for the parties. Disclosure of the Presentence Report shall be  
10 subject to the limitations imposed by Rule 32(c)(3).

11 4. On or before **January 27, 2020**, the parties shall file and serve the  
12 following: (a) any objection to the preliminary Presentence Report; (b) any motion  
13 for departure (other than one made pursuant to Rule 35(b)); (c) a list of those  
14 witnesses who will be called to testify about a matter on which the party bears the  
15 burden of persuasion at sentencing, together with a summary of each witness's  
16 anticipated testimony; and (d) copies of any exhibits which will be offered at  
17 sentencing. A party failing to list a witness or to provide a copy of an exhibit by the  
18 deadline set forth above may be precluded from presenting the witness or exhibit at  
19 the sentencing hearing.

20 5. Both objections and motions for departure shall be supported by  
21 memorandum.

1           6. On or before **February 3, 2020**, the opposing party shall file and serve  
2 its response, and the opposing party shall identify any responsive witnesses or  
3 exhibits.

4           7. If an objection is filed, the probation officer shall conduct such additional  
5 investigation as is necessary to assess the merits of the objection.

6           8. The probation officer shall submit the final Presentence Report to the  
7 Court by **February 10, 2020**. The report shall be accompanied by an addendum  
8 setting forth any objections counsel may have made, including those that have not  
9 been resolved, together with the officer's comments and recommendations. The  
10 Probation Officer shall certify that the contents of the report, other than sentencing  
11 recommendations, including any revisions or addenda, have been disclosed to  
12 counsel for Defendant and the Government, and that the addendum fairly states any  
13 remaining objections.

14           9. Except with regard to any written objection made under 4(a), the report  
15 of the presentence investigation and computations shall be accepted by the Court as  
16 accurate. Upon a timely objection by Defendant, the Government bears the burden  
17 of proof on any fact that is necessary to establish the base offense level. The Court,  
18 may, for good cause shown, allow a new objection to be raised at any time before  
19 the imposition of sentence. In resolving disputed issues of fact, the Court may  
20 consider any reliable information presented by the Probation Officer, Defendant, or  
21 the Government.

10. On or before **February 17, 2020**, both parties shall file and serve their sentencing memoranda.

11. All pleadings shall be filed and served as provided by local rules.

**IT IS SO ORDERED.** The District Court Clerk is directed to enter this Order and provide copies to counsel and to the Washington Eastern United States Probation Office.

**DATED** October 28, 2019.

*s/Rosanna Malouf Peterson*  
 ROSANNA MALOUF PETERSON  
 United States District Judge